

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ERIC CERVINI, et al,

Plaintiffs

VS

ELIAZAR CISNEROS, et al

Defendants

Civil Action No. 1:21-cv-00565-RP

Hon. Robert Pitman

OPOSED MOTION FOR LEAVE TO FILE
DEFENDANT CISNEROS' PRE-TRIAL FILINGS
and
MOTIONS IN LIMINE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant Eliazar Cisneros, one of the Defendants in the above numbered and styled case and makes this his Motion for Leave to file his Pre-Trial Filings and his Motions in Limine (previously filed without leave of Court [ECF 441 & ECF 443]) and would show the Court the following:

1. Counsel for Defendant Cisneros is a solo practitioner with active trials in both state court and Federal Court, (Southern District of Texas) with hearings and trial dates in both August and September of 2024.
2. On the 25th of July, 2024, Counsel for Cisneros advised Plaintiff's counsel via email (Attached as Exhibit A) that he was attentive to other trial court demands and requested additional time, as was implied by the chain of emails between Plaintiffs' counsel and other defense counsel. Plaintiffs' response was uncooperative.
3. The dead- line ostensibly for filing Defendant's Pre-Trial Filings and Motions in Limine technically expired on July 24, 2024. Defendant Cisneros' filed on

July 29, 2024, only five days after the deadline imposed. (see ECF441 and ECF 443).

4. Plaintiffs' Counsel has extended deadline courtesies to other defense counsel yet has refused on technicality to accommodate Defendant Cisneros.
5. Plaintiffs have filed motion for Rule 37 Sanctions against Defendant Cisneros [ECF 448] and has raised spurious allegations against counsel asking the court to impose Costs and Sanctions against the Defendant including the use by Plaintiffs of prejudicial statements to the Jury against the Defendant and imposing costs and attorney fees.
6. There is no harm to the Plaintiffs case and case preparation in a five (5) day delay of this Defendant's Filings [ECF 441 &443]. Furthermore, Most if not all of the contents of Defense Pre-Trial Filings and Motions in Liminie are similar to other defense counsel's Motions filed in this case.
7. A true and correct Defendant Eliazar Cisneros' Pre-Trial Filings and Motions in Liminie are attached hereto and made a part hereof as Exhibits B & C.

WHEREFORE, PREMISES CONSIDEREED, Defendant Eliazar Cisneros request that he be allowed leave to file his Pre-Trial Filings and Motions in Liminie in this cause.

Respectfully submitted, this 4th day of
August, 2024

/S/ Francisco R. Canseco

Francisco R Canseco

Texas Bar No. 03759600

Pro Hac Vice

19 Jackson Court

San Antonio, Texas 78230

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Counsel for the Defendant Eliazar Cisneros

CERTIFICATE OF CONFERENCE

The undersigned Counsel for the Plaintiff hereby CERTIFIES that on the 4th day of August 2024 he has not conferred with Counsel for the Plaintiffs and will do so via email after filing.

/S/ Francisco R. Canseco
Francisco R. Canseco,

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2024, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system that will send notification of such filing to all registered ECF participants listed for this case. I sent via email per agreement of the parties a copy of the foregoing to Defendants Steve Ceh and Randi Ceh at the following addresses provided by the parties:

Steve Ceh
Email: steveceh33@gmail.com

Randi Ceh
Email: randiceh716@gmail.com

/S/ Francisco R. Canseco
Francisco R. Canseco,

